

## LAND EXCHANGE, FORT BLISS MILITARY RESERVATION, TEXAS

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SEPTEMBER 21, 1971.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. BENNETT, from the Committee on Armed Services,  
submitted the following

### REPORT

[To accompany H.R. 2566]

The Committee on Armed Services to whom was referred the bill (H.R. 2566) to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of the Army, or his designee, to convey to the State of Texas, subject to such terms and conditions the grantor deems necessary in the public interest, a certain 20-acre parcel of land, more or less, within the Castner Range area of the Fort Bliss Military Reservation, Tex., in exchange for a parcel of land containing 18.3106 acres, more or less, which was part of a larger area previously conveyed by the United States to the State for National Guard and other military use.

#### BACKGROUND OF THE BILL

Pursuant to the act of August 30, 1954, chapter 1081 (68 Stat. 974), the Secretary of the Army on November 4, 1954, executed a deed conveying to the State of Texas 24.25 acres of land comprising a portion of Fort Bliss, to be used primarily for National Guard training and other military purposes. As required by the authorizing act, the deed reserved to the United States all mineral rights and, for the benefit of Fort Bliss, access and utility line rights-of-way; provided the right of reentry and use of the property by the United States when necessary in

the interest of national defense in the event of a state of war or other national emergency declared by the Congress or the President; and further provided for a reverter of title to the United States if the property ceased to be used for the purpose intended. This parcel of land currently is used by the Texas National Guard as a motor maintenance facility for the El Paso area.

In 1968, the Department of the Army was advised that the city of El Paso, Tex., required a portion of the above-described land, said to contain 5.975 acres, more or less, for the construction of the El Paso North-South Freeway. The proposed road construction, which is federally supported, is routed from the Mexican border, crossing Fort Bliss and the State-owned National Guard facility, and extending north to the city limits of El Paso. In order that the State-owned area could be conveyed to the city for this highway purpose without causing the property to revert to the United States, the act of February 28, 1970, Public Law 91-202 (84 Stat. 20) authorized the Secretary of the Army to release or modify the above-described reservations and conditions over a portion of the 24.25-acre tract conveyed to the State of Texas by the deed of November 4, 1954. Although the act specifically described a 5.975-acre parcel of land as the area affected, the act further provided that the area described therein could be modified, as agreed upon by the Secretary or the State and city, consistent with any change in the right-of-way alinement for the freeway, provided the total area did not exceed 6 acres.

The act also provided that the release of restrictions and the conveyance authorized thereby should be on condition that:

(a) If the property ceases to be used for highway purposes, it shall revert to the United States;

(b) The structures and improvements presently located on, or adversely affected by, the property to be conveyed, shall be replaced in kind and constructed, at the expense of the city of El Paso, on the adjacent remaining lands of the State of Texas;

(c) The relocated replacement structures and facilities shall be subject to the same restrictions, use limitations, and reversionary rights of the United States as set forth in the deed of November 4, 1954, to the State of Texas; and

(d) The Secretary of the Army may impose such additional terms and conditions on the release as he deems appropriate to protect the interests of the United States.

The execution of a deed of release to the State of Texas pursuant to this act has been held in abeyance pending a determination of the alinement of the freeway and other negotiations between the State and the city.

The Texas National Guard Armory Board, which administers the properties of the Texas National Guard, has advised the Department of the Army that the taking of a portion of the 24.25-acre tract for a freeway right-of-way will make it impossible for the National Guard to function efficiently on the remaining portion of the facility, due to the lack of access to the freeway or other arterial streets. For this reason the Texas National Guard Armory Board has proposed an exchange of the portion of its present facility which will remain after the conveyance of 6 acres or less to the city of El Paso for a 20-acre

parcel of Fort Bliss located in the Castner Range area. The State considers that the Castner Range site will be a suitable replacement area and will provide a desirable site for the construction of an approved new armory.

The 20-acre parcel which the State of Texas desires to acquire is an unimproved tract, lying in the southeast portion of the Castner Range area of Fort Bliss, formerly used as a small arms range, but inactive in recent years. The land which the Department of the Army would acquire, described in the bill as containing 18.3106 acres, is contiguous to the main post of Fort Bliss, bounded on the north by a Capehart housing area. This site is considered a more desirable location than the Castner Range parcel for future development of Fort Bliss. The estimated value of the land to be acquired by the Army exceeds that of the land to be acquired by the State.

#### COMMITTEE POSITION

The Committee on Armed Services, on September 14, 1971, a quorum being present, approved H.R. 2566.

#### FISCAL DATA

Enactment of this bill will not entail any expenditure by the Government for replacement or relocation of existing facilities.

#### DEPARTMENTAL DATA

Departmental data set forth below, and hereby made a part of this report, is a letter from Hon. Stanley R. Resor, Secretary of the Army, on behalf of the Department of Defense, and a letter from Hon. Harold S. Trimmer, Jr., Assistant Administrator of the General Services Administration.

DEPARTMENT OF THE ARMY,  
Washington, D.C., May 7, 1971.

HON. F. EDWARD HÉBERT,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 2566, 92d Congress, a bill to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense on this bill.

The purpose of the bill is to authorize the Secretary of the Army, or his designee, to convey to the State of Texas, subject to such terms and conditions the grantor deems necessary in the public interest, a certain 20-acre parcel of land, more or less, within the Castner Range area of the Fort Bliss Military Reservation, Tex., in exchange for a parcel of land containing 18.3106 acres, more or less, which was part

of a larger area previously conveyed by the United States to the State for National Guard and other military use.

The Department of the Army, on behalf of the Department of Defense, interposes no objection to this bill.

Pursuant to the act of August 30, 1954, chapter 1081 (68 Stat. 974) the Secretary of the Army on November 4, 1954, executed a deed conveying to the State of Texas 24.25 acres of land comprising a portion of Fort Bliss, to be used primarily for National Guard training and other military purposes. As required by the authorizing act, the deed reserved to the United States all mineral rights and, for the benefit of Fort Bliss, access and utility line rights-of-way; provided the right of reentry and use of the property by the United States when necessary in the interest of national defense in the event of a state of war or other national emergency declared by the Congress or the President; and further provided for a reverter of title to the United States if the property ceased to be used for the purpose intended. This parcel of land currently is used by the Texas National Guard as a motor maintenance facility for the El Paso area.

In 1968, the Department of the Army was advised that the city of El Paso, Tex., required a portion of the above-described land, said to contain 5.975 acres, more or less, for the construction of the El Paso North-South Freeway. The proposed road construction, which is federally supported, is routed from the Mexican border, crossing Fort Bliss and the State-owned National Guard facility, and extending north to the city limits of El Paso. In order that the State-owned area could be conveyed to the city for this highway purpose without causing the property to revert to the United States, the act of February 28, 1970, Public Law 91-202 (84 Stat. 20) authorized the Secretary of the Army to release or modify the above-described reservations and conditions over a portion of the 24.25-acre tract conveyed to the State of Texas by the deed of November 4, 1954. Although the act specifically described a 5.975-acre parcel of land as the area affected, the act further provided that the area described therein could be modified, as agreed upon by the Secretary or the State and city, consistent with any change in the right-of-way alinement for the freeway, provided the total area did not exceed 6 acres.

The act also provided that the release of restrictions and the conveyance authorized thereby should be on condition that:

(a) If the property ceases to be used for highway purposes, it shall revert to the United States;

(b) The structures and improvements presently located on, or adversely affected by, the property to be conveyed, shall be replaced in kind and constructed, at the expense of the city of El Paso, on the adjacent remaining lands of the State of Texas;

(c) The relocated replacement structures and facilities shall be subject to the same restrictions, use limitations, and reversionary rights of the United States as set forth in the deed of November 4, 1954, to the State of Texas; and

(d) The Secretary of the Army may impose such additional terms and conditions on the release as he deems appropriate to protect the interests of the United States.



The execution of a deed of release to the State of Texas pursuant to this act has been held in abeyance pending a determination of the alinement of the freeway and other negotiations between the State and the city.

The Texas National Guard Armory Board, which administers the properties of the Texas National Guard, has advised the Department of the Army that the taking of a portion of the 24.25-acre tract for a freeway right-of-way will make it impossible for the National Guard to function efficiently on the remaining portion of the facility, due to the lack of access to the freeway or other arterial streets. For this reason the Texas National Guard Armory Board has proposed an exchange of the portion of its present facility which will remain after the conveyance of 6 acres or less to the city of El Paso for a 20-acre parcel of Fort Bliss located in the Castner Range area. The State considers that the Castner Range site will be a suitable replacement area and will provide a desirable site for the construction of an approved new armory.

The 20-acre parcel which the State of Texas desires to acquire is an unimproved tract, lying in the southeast portion of the Castner Range area of Fort Bliss, formerly used as a small arms range, but inactive in recent years. The land which the Department of the Army would acquire, described in the bill as containing 18.3106 acres, is contiguous to the main post of Fort Bliss, bounded on the north by a Capehart housing area. This site is considered a more desirable location than the Castner Range parcel for future development of Fort Bliss. The estimated value of the land to be acquired by the Army exceeds that of the land to be acquired by the State.

H.R. 2566, which would authorize the proposed exchange of lands, permits the legal descriptions of the lands involved to be modified, consistent with any necessary changes which may be disclosed as a result of an accurate survey. It does not change, however, the requirement that the area to be conveyed by the State to the city of El Paso shall not exceed 6 acres. The bill would amend the above-mentioned act of February 28, 1970, only to the extent of providing that the city of El Paso shall construct replacement facilities on the new area to be acquired by the State rather than on the site which the State is releasing under the exchange. The bill also requires that the conveyance from the United States to the State of Texas, as part of the proposed exchange, shall be subject to the same reservations and conditions contained in the deed of November 4, 1954, and shall add a covenant that the State will assume responsibility for clearance of ammunition from the area.

Because the exchange of properties would have no adverse effect on the mission of Fort Bliss, and the Department of the Army will receive property at least equal in value and suitability for Army missions to that it will convey, there is no objection to the bill as written. Enactment of this bill will not entail any expenditure by the Government for replacement or relocation of existing facilities. Accordingly, the Department of the Army on behalf of the Department of Defense interposes no objection to the bill.

In the interest of accuracy, it is pointed out that the word "desired" appearing in line 5, page 3, of the bill should be changed to "described."

Enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report to the committee.

Sincerely,

STANLEY R. RESOR,  
*Secretary of the Army.*

GENERAL SERVICES ADMINISTRATION,  
*Washington, D.C., May 5, 1971.*

Hon. F. EDWARD HÉBERT,  
*Chairman, Committee on Armed Services, House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: Your letter of February 8, 1971, requested the views of the General Services Administration on H.R. 2566, 92d Congress, a bill to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands.

The bill would authorize the Secretary of the Army or his designee to convey to the State of Texas a parcel of land containing approximately 20 acres within the Castner Range, Fort Bliss Military Reservation, to be used primarily for training of the National Guard and for other military purposes. In consideration therefore, the State of Texas would convey to the United States a parcel of land containing approximately 18 acres—a portion of a 24.25-acre parcel previously conveyed by the United States to the State of Texas for National Guard and military use by deed dated November 4, 1954, pursuant to the act of August 30, 1954 (68 Stat. 974).

It appears that the 20 acres to be conveyed to the State would take the place of the 18-acre site to be returned to the United States, inasmuch as the same use restrictions would apply.

Pursuant to the Federal Property and Administrative Services Act of 1949, as amended, GSA has authority to effectuate an exchange of surplus property for property required by the Government provided the estimated fair market value of the property to be acquired at least equals the estimated fair market value of the Government-owned surplus property. However, we would not have authority under existing law to impose upon the property the restrictions as to use which are contemplated by the bill. Accordingly, though we generally oppose special legislation for a purpose which may be achieved under laws of general application, we do not object to the enactment of H.R. 2566.

We do not have information as to the comparative values of the property interests which would be exchanged under the bill, and defer to the Department of Defense as to the justification of the legislation in this respect.

The Office of Management and Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to your committee.

Sincerely,

HAROLD S. TRIMMER, Jr.,  
*Assistant Administrator.*

#### SUMMARY OF THE BILL

##### *Purpose of the bill*

To authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands.

##### *Explanation of the bill*

This bill will enable the Army to acquire 18.3 acres of land contiguous to the main post of Fort Bliss by exchanging other lands which will provide the State a more desirable site for the construction of an approved new National Guard Armory. The estimated value of the land to be acquired by the Army exceeds that of the land to be acquired by the State.

##### *Executive branch position*

The Department of the Army, on behalf of the Department of Defense, and the General Services Administration interpose no objection to the bill. There is no objection on the part of the Office of Management and Budget.

##### *Fiscal data*

Enactment of this bill will not entail any expenditure by the Government for replacement or relocation of existing facilities.

##### *Committee position*

The Committee on Armed Services, on September 14, 1971, a quorum being present, approved H.R. 2566.



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DEPARTMENT OF CHEMISTRY

REPORT OF THE  
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